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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,463	02/04/2002	Vahid Orboubadian	YMEDIA.009A	6384
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SAILE ACKERMAN LLC 28 DAVIS AVENUE POUGHKEEPSIE, NY 12603			EXAMINER JERABEK, KELLY L	
			ART UNIT 2622	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/067,463

Applicant(s)

ORBOUBADIAN, VAHID

Examiner

Kelly L. Jerabek

Art Unit

2622

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 December 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-16 and 26.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: 1) Applicant's arguments (After final amendment pages 8-9) state that the Narayanaswami reference fails to disclose "a static camera characteristic suitable to enhance image reproduction". This argument is moot because the Examiner did not cite the Narayanaswami reference in the Final Office Action for the purpose of teaching a static camera characteristic suitable to enhance image reproduction. Claim 1 was rejected using a 103 combination of the Narayanaswami and Inoue references. The Inoue reference was cited for the purpose of teaching a static camera characteristic suitable to enhance image reproduction, therefore the argument is moot.

2) Applicant's arguments (After final amendment pages 9-10) state that neither the Narayanaswami reference nor the Inoue reference discloses "receiving camera setting information related to a first captured digitized image". The Examiner respectfully disagrees. Narayanaswami states that the camera (100) includes camera electronic circuitry (128) for controlling focal length, auto focus distance, shutter speed, exposure duration, aperture setting, frame number, image quality, flash distance and light meter readings (page 3, paragraphs 34-35). Therefore, it can be seen that Narayanaswami discloses receiving camera setting information (eg. focal length, auto focus distance) related to a first captured digitized image.

3) Applicant's arguments (After final page 10) state that there is no motivation to combine the invention of Narayanaswami disclosing "a system and method for digital image verification" with the invention of Inoue disclosing a system wherein "a digital camera stores input-device-unique information". The Examiner respectfully disagrees. The motivation to combine the Narayanaswami and Inoue references was provided in the final office action and claim 1 is rejected as follows:


Narayanaswami discloses a method of embedding camera information and image capture related information in a digital form of an image, comprising: receiving information on camera characteristics suitable to enhance image reproduction (parameters such as camera location, image mode, etc.) (page 4, paragraph 43); receiving camera setting information (focal length, focus distance, frame number, image quality, flash status, light meter readings, etc.) related to a first captured digitized image (page 3, paragraphs 34-35); generating an encryption key based at least in part on the camera characteristics (page 5, paragraph 46); embedding a watermark in said first captured digitized image, wherein the watermark contains at least a portion of the information on the camera characteristics and at least a portion of the camera setting information related to said first captured digitized image; and encrypting the watermark using the encryption key (page 4, paragraph 42 - page 5, paragraph 48). However, although the Narayanaswami reference discloses all of the above limitations it fails to specifically state that any of the camera characteristics capable of being watermarked are static camera characteristics suitable to enhance image reproduction.

Inoue discloses a digital camera capable of storing additional image information together with sensed image information. Inoue states that in order to print an image a printer (2) requests the digital camera (1) to transfer image information and image additional information (11) corresponding to that image. Inoue further states that a processing selector (12) selects appropriate print processing based on the obtained image additional information (11) (figs. 1-2; col. 4, lines 35-65). In addition, Inoue states that the image additional information (11) used for image processing (used to enhance image reproduction) may include digital input device unique information such as camera type information (13-16) (static camera characteristics). Therefore, it would have been obvious for one skilled in the art to have been motivated to include image additional information such as camera type information as disclosed by Inoue as one of the camera characteristics capable of being watermarked as disclosed by Narayanaswami. Doing so would provide a means for attaching information regarding static camera characteristics in order to perform the most suitable printing control processing (Inoue: col. 4, lines 61-65).

4) Applicant's arguments (After final amendment page 11) state that neither the Narayanaswami reference nor the Inoue reference disclose "a first variable camera setting" as disclosed in claim 8. The Examiner respectfully disagrees. Narayanaswami states that the camera (100) includes camera electronic circuitry (128) for controlling focal length, auto focus distance, shutter speed, exposure duration, aperture setting, frame number, image quality, flash distance and light meter readings (page 3, paragraphs 34-35). Therefore, it can be seen that Narayanaswami discloses a first variable camera setting (eg. focal length, auto focus distance).

5) Applicant's arguments regarding claims 8 and 26 (After final amendment pages 11-13) state that there is no motivation to combine the invention of Narayanaswami disclosing "a system and method for digital image verification" with the invention of Inoue disclosing a system wherein "a digital camera stores input-device-unique information". The Examiner respectfully disagrees. The motivation to combine the Narayanaswami and Inoue references was provided in the final office action and is provided above.

6) Applicant's arguments regarding claim 26 (After final amendment pages 12-13) include the same arguments as claim 1 above. Therefore, the response to the arguments of claim 1 above also apply to claim 26.



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